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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF CALIFORNIA
10

11 CRAIG YATES)

CASE NO. CV-12-05100-SBA

12 Plaintiffs,)

STIPULATION OF DISMISSAL AND
ORDER THEREON

13 v.)

14 LY BROTHERS INVESTMENT)
COMPANY, a California Partnership, dba)
15 YUMMY BOWL; SAM LY; BINH LY;)
ANDREW LY; TOM LY; PAUL LY; and)
16 TSUI THUYEN LY,)

17 Defendants.)
18 _____)

19
20 The parties, by and through their respective counsel, stipulate to dismissal of this action
21 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the
22 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
23 costs and attorneys' fees. The parties further consent to and request that the Court retain
24 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
25 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
26 settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action become and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: October 9, 2013

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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9 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
10 Attorneys for CRAIG YATES

11
12 Dated: October 15 2013

DONAHUE GALLAGHER WOODS LLP

13
14 By: [Signature]
John C. Kirke, Esq.
15 Attorneys for Defendants LY BROTHERS
INVESTMENT COMPANY, a California
16 Partnership, dba YUMMY BOWL; SAM LY;
17 BINH LY; ANDREW LY; TOM LY; PAUL LY;
and TSUI THUYEN LY

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19
20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
22 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
23 purpose of enforcing the parties' Settlement Agreement and General Release should such
24 enforcement be necessary

25 Dated: October 16, 2013

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27 [Signature]
Honorable Judge Sandra B. Armstrong
28 UNITED STATE DISTRICT COURT JUDGE